

### **REMARKS**

The Office Action of April 2, 2007 has been carefully considered.

Objection has been raised to the drawings, and a new sheet has been provided showing the embodiment that was not previously illustrated. No new matter has been added, as this embodiment was described in the penultimate paragraph on page 13 as originally filed, and claimed in claim 58.

Claims 30 to 62 are currently in the application. Claims 58 to 62 have been allowed. Claim 52 was objected to. Claims 30-51 and 53-57 stand rejected. Claims 30, 31, 34, 35, 39-43, 45, 48, 51, 53 and 55-57 have been amended.

Claims 40-42 have been rejected under 35 USC 112, 2<sup>nd</sup> paragraph, for being dependent on themselves. This indefiniteness has now been corrected by correcting the dependencies.

Claim 52 was objected to and has been canceled.

The present invention relates to a game apparatus and method for a paddle and ball game to be played by two opposing players or by two opposing pairs of players. Each of the players is provided with a paddle. The apparatus includes a frame delimiting a defined area above the ground for a ball to be transferred therethrough by means of a paddle, and two gates positioned opposite each other on opposite sides of the frame at a distance therefrom. The opposing players or pair of players are positioned on opposite sides of the frame, each between the frame and one of the gates, and the gates are positioned such that the ball can be transferred between opponent players by means of the paddles through the defined area in the frame and toward the opponent's gate to hit the ball through the opponent's gate. None of the prior art cited by the Examiner shows this apparatus, and the Examiner agreed that the method is novel by allowing claims 58-62. Accordingly, independent claims 30, 48 and 53 have been amended to indicate that at least three gates are provided, one

between the opponents and one behind each opponent, where the aim of the game is to hit the ball with the paddle through the frame and through the opponent's rear gate. It will be appreciated that in this embodiment of the invention, the gates located behind each player serve as goals, rather than as doors permitting or preventing entry to the players. Support for this amendment is found in the penultimate paragraph on page 13 of the application as originally filed.

Claims 30-36, 43, 45, 46, 48-51 and 53-57 are rejected under 35 USC §103 in view of USP 5,018,746 (to Cardoza, Jr. et al.) in view of USP 3,980,299 (to Brown). Neither the patent to Cardoza, Jr. nor the patent to Brown teaches or suggests providing a frame between two opponents and gates behind each of the opponents for passing a ball through both the frame and one of the gates, as claimed in newly amended claims 30, 48 and 53. Accordingly, these claims are now deemed to be allowable over Cardoza, Jr. and Brown. Claims 31-36, 43, 45, 46, 49-51 and 54-57 depend from, and add additional limitations to, claims 30, 48 or 53, so are also deemed to be allowable. Withdrawal of this rejection is requested.

Furthermore, concerning claims 34, 35 and 55-57, these claims have been amended to define structure or method steps, rather than rules of playing the game.

Claims 30, 34, 35, 37-40 and 47 are rejected under 35 USC §103(a) in view of USP 5,058,899 (to Jackson et al.) in view of USP 3,980,299 (to Brown). Neither the patent to Jackson et al. nor the patent to Brown teaches or suggests providing a frame between two opponents and gates behind each of the opponents for passing a ball through both the frame and one of the gates, as claimed in newly amended claim 30. Accordingly, claim 30 is now deemed to be allowable over Jackson et al and Brown. Claims 34, 35, 37-40 and 47 depend from, and add additional limitations to, claim 30, so are also deemed to be allowable. Withdrawal of this rejection is requested.

Claims 41 and 42 are indicated to be allowable if rewritten. These claims have been amended to overcome the rejection under 35 U.S.C. 112 and are deemed to be

allowable as depending from an allowable claim.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,

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